

REMARKS

Applicant herein affirms the provisional election of species 1, Claims 1-4, 6, 10 and 11 with traverse on the ground that the species are variants of the generic filter housing system claimed, having a plurality of mounting plates, and are therefore not individual inventions. Applicant maintains that the invention is the adaptability of the filter housing to accommodate a variety of fluid treatment configurations. In keeping, Claim 1 has been amended to more particularly define the invention to include a plurality of mounting plates, wherein each may accommodate a different type of fluid treatment element.

Amended Claim 1 therefore represents the scope of the presently claimed invention. No new matter has been added and Claim 1 as presently amended is fully supported in the Specification (see Specification at page 2, lines 8-28, Figures 1-13, and throughout the "Detailed Description of the Preferred Embodiment", pages 4-10). Since the amended Claim 1 clearly defines the generic housing adaptable to various fluid treatment operations, reconsideration of the restriction requirement is respectfully requested in view of this Amendment.

As such, Applicant has not cancelled Claims 5-7, 9 and 12 which were withdrawn from consideration. Rather, in amending Claim 1, these Claims merely further define the elements recited in Claim 1. Therefore, Applicant believes that the Claims are properly pending in the amended claims.

Next, the Examiner rejected Claims 4 and 11 under the provisions of 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In response, the term "filter elements" has been amended to "fluid treatment elements." These terms now derive proper antecedent from Claim 1. Additionally, the term "conduit" in amended Claim 11, has been given proper

antecedent basis. It is therefore requested that the rejection of Claims 4 and 11 under the provisions of 35 U.S.C. 112, second paragraph, be withdrawn.

Substantively, the Examiner rejected Claims 1-4 and 8 under the provisions of 35 U.S.C. § 102 (b) as being anticipated by Schmidt, Jr. More particularly, the Examiner stated that Schmidt, Jr. discloses a fluid treatment housing system including a first housing member, second housing member and a mounting plate that is considered interchangeable. Further, the Examiner stated that the mounting plate has one or more apertures with mounts for releasably mounting fluid treatment elements thereon, and the mounting plate creates a sealed environment between the housing members, the filter elements being inside-out and extending downward into the first housing member. Also, the substantially flat mounting plate between the housing members includes mounting flanges, and the second housing member does not have any filter elements.

Applicant respectfully submits that the newly amended claims of the instant invention are not anticipated by the cited prior art. The present invention is directed to a novel fluid treatment element housing system. The housing system comprises a first and second housing member with a plurality of interchangeable element mounting plates of various configurations, which are capable of accepting different types of fluid treatment elements, that can be used individually or collectively. As such, the instantly claimed invention can be easily modified, *inter alia*, for **inside-out, outside-in or double filtration** of fluids using **different fluid treatment elements**. Significantly, the claimed housing system is also capable of **reverse filtration** through the housing without significant modification.

Applicant acknowledges that Schmidt, Jr. discloses a fluid treatment housing system with a first and second housing member. However, Schmidt, Jr. is directed to a one dimensional mounting plate described as a “circular tube sheet”, see Schmidt, Jr. at col. 2, line 29. The “circular tube sheet” is limited to hanging “filter elements” in one chamber of the filter system, see Schmidt, Jr. at col. 2,

lines 40-45. Further, fluid can only be filtered in one direction when entering the filter from above the “tube sheet”, see Schmidt, Jr. at col. 2, lines 40-41.

Significantly, Schmidt does not disclose or even remotely suggest that the mounting plate can be interchanged with variously configured mounting plates to accommodate different types of fluid treatment elements, as presently claimed.

Moreover, Schmidt discloses a “filter element” having a “flexible filter member in the form of a tubular sock... in [a] support sock whereby the inner sock and the filtered solids collected therein,” see Schmidt, Jr. at col. 1, lines 40-57. As such, the “elements” of the Schmidt, Jr. reference are limited by their defined composition, (i.e. woven textile, flexible, stretchable, see Schmidt, Jr. Claims 1 and 2), and thereby restricted to a specific filtration condition.

Also, nowhere in the cited prior art is it disclosed that treatment elements can be placed **in either the first and/or second housing member** to provide for twice filtered fluid treatment. Furthermore, Schmidt, Jr. does not teach or disclose a fluid filtration system for **reverse filtration flows** that may or may not be twice filtered. In fact, the cited prior art is incapable of reverse filtration. If fluid flow were to be reversed in the Schmidt, Jr. filter system the “flexible elements” would not be able to perform a filtration function, but would merely back-flush the contaminants collected during the filtration process.

A prima facie case of anticipation, according to the Federal Circuit, “requires the presence in a single prior art disclosure of each and every element of the claimed invention.” *Lewmar Marine v. Barient, Inc.* 3 U.S.P.Q.2d 1766, 1767 (Fed. Cir. 1987). Upon comparison to the present invention, it must be pointed out that the Schmidt, Jr. reference clearly does not teach a fluid treatment system with a plurality of mounting plates adapted to accommodate different type fluid treatment elements. For these reasons the § 102(b) rejection over Schmidt, Jr. is improper. Removal of the rejection is therefore respectfully requested.

In the Office Action the Examiner also rejected Claims 1-4, 8, 10 and 11 under the provision of 35 U.S.C. § 102 (b) as being anticipated by Harms.

For the same reasons as set forth above with respect to the Schmidt reference, reconsideration in view of this amendment is respectfully requested.

The Examiner stated that Harms discloses a fluid treatment housing system including a first housing member, second housing member and a mounting plate that is considered interchangeable, the mounting plate having one or more apertures with mounts for releasably mounting fluid treatment elements. The Examiner further stated that a sealed environment between the housings, and treatment elements functioning as inside-out filters and extending downwardly into the first housing member are described therein. The Examiner also stated that the second housing member contains no filter element, and the first housing member includes a pipe for inlet flow through the mounting plate with a conduit seal retainer.

Applicant acknowledges that Harms discloses a fluid treatment housing system with a first and second housing member. However, Harms is directed to an “improvement for the swimming pool type filter” (see Harms at col. 1, lines 46-47). Moreover, Harms recites a means for the prevention of “the build-up of electrostatic charges and arcing erosion of the metal parts” of the filter and housing, see Harms at col. 3, lines 15-17.

Specifically, Harms discloses a “partition plate” for supporting a plurality of “filter cartridges” that can only be placed in one housing member, see Harms at col. 4, lines 14-23. Nowhere does Harms disclose that the “partition plate” can accommodate elements **in either the first and/or second housing members**. Nor does Harms describe **a plurality** of mounting plates, of various configurations, **for accommodating different types of filter elements** which may even provide for twice filtered fluid treatment. Moreover, Harms does not teach or disclose a system for **reverse filtration flows** that may or may not be twice filtered.

Although the Harms reference describes that a “reversal in pressure also can occur if the filter is back-washed to remove particles that accumulate on the cartridge”, see Harms at col. 4, lines 48-51, this is not for filtration but merely for

a back-flush of the filter. As such, this is not a representation that the cited reference can reverse fluid flow for purposes of filtration, but rather that the filter can be back-washed to clean the cartridges.

Additionally, the teaching of Harms is limited to a swimming pool filter with cartridges that can be replaced, and "spring fingers" to avoid the build-up of electrostatic charges, see Harms at col. 1 lines 53-66, and col. 2, lines 22-27, respectively. Clearly, these are issues not relevant to the present claimed invention. For these reasons, the § 102(b) rejection over Harms is deficient and removal of the rejection is, therefore, also respectfully requested.

In view of the foregoing, applicant respectfully submits that the pending claims are allowable over the cited prior art. Allowance of the claims is therefore respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kenneth F. Florek', with a long horizontal line extending to the right.

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